

Art Unit: 1623

**DETAILED ACTION**

This office action is a response to Applicant's amendment submitted January 31, 2008, wherein claims 1, 2, and 4 are amended and new claims 11-14 are added.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Max Oppenheimer on June 5, 2008. The application has been amended as follows:

- Claims 5-14 are canceled.
- In claim 4, in the first line of text, replace "polyribosinic" with "polyriboinosinic."

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

In view of Applicant's arguments submitted January 31, 2008, the objection to claim 4 for informalities is withdrawn.

In view of Applicant's arguments submitted January 31, 2008, the rejection of claims 1-4 under 35 USC 112, second paragraph, as incomplete for omitting essential steps, is withdrawn. Applicant's argument that the claims are fully operative and that the entire process would have been known to one of skill in the art at the time the invention was filed is persuasive.

In view of Applicant's amendment submitted January 31, 2008, the rejection of claims 1, 2 and 4 for being indefinite is withdrawn.

In view of Applicant's arguments submitted January 31, 2008, the rejection of claim 1 under 35 USC 103(a) as being unpatentable over Levy is withdrawn. The claimed process differs from the process of the closest prior art, Levy, by addition of reagents over at least four days, as compared to Levy's 30 minutes. Levy's process results in precipitate formation which requires two to three days of stirring to dissolve, which does not occur using the claimed process. Furthermore, the claimed process results in a product with significantly different properties than that produced by Levy, as illustrated in Figures 2 and 3 in the instant application.

In view of the information discussed above, the indicated subject matter is allowable over the prior art.

Applicant's amendment submitted January 13, 2008 and the Examiner's amendment presented above are sufficient to remove all rejections made in the prior office action, as discussed above, and to place the application in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAYLA BLAND whose telephone number is (571)272-9572. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anna Jiang can be reached on (571) 272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Layla Bland/  
Examiner, Art Unit 1623

/Shaojia Anna Jiang, Ph.D./  
Supervisory Patent Examiner, Art Unit 1623